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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                         |   |                                |
|-------------------------|---|--------------------------------|
| <b>In re:</b>           | § |                                |
|                         | § |                                |
| <b>HIGHLAND CAPITAL</b> | § | <b>Chapter 11</b>              |
| <b>MANAGEMENT, L.P.</b> | § |                                |
|                         | § | <b>Case No. 19-34054-sgj11</b> |
| <b>Debtor.</b>          | § |                                |

**HUNTER MOUNTAIN INVESTMENT TRUST'S REQUEST FOR ORAL HEARING  
OR, ALTERNATIVELY, A SCHEDULE FOR EVIDENTIARY PROFFER**

Hunter Mountain Investment Trust (“HMIT”), Movant in these Contested Proceedings, submits this Request for Oral Hearing or, Alternatively, a Schedule for Evidentiary Proffer (“Request”), and would show:<sup>1</sup>

## INTRODUCTION

1. On June 12, 2023, at 8:15 p.m., Highland Capital Management LP, Highland Claimant Trust and James P. Seery, Jr. filed their Reply in Further Support of their Joint Motion to Exclude Testimony of Steve Pully and Scott Van Meter (Doc. 3841) (“Reply Brief”). The Claims Purchasers subsequently joined this Reply Brief on June 12, 2023 (Doc. 3842).

2. During the hearing on June 8, 2023, the Court instructed HMIT that it was not allowed to file a sur-reply concerning these expert witness issues. *See* June 8, 2023 Hearing Transcript at 25:3-12; 26:14-18. Accordingly, this current request is not submitted as a sur-reply, but instead seeks an oral hearing in connection with the matters raised in the Joint Motion to Exclude Testimony (Doc. 3820), HMIT’s Response to the Joint Motion

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<sup>1</sup> This Request is filed subject to and without waiving any of HMIT’s substantive and procedural rights including, but not limited to, HMIT’s objections to the evidentiary format of the June 8, 2023, hearing (“June 8 Hearing”) on HMIT’s Emergency Motion for Leave to File Verified Adversary Proceeding [Doc. 3699] and Supplement to Emergency Motion for Leave to File Verified Adversary Proceeding [Doc. 3760] (together the “Motion for Leave”), including objections to the Court’s May 22, 2023 order [Doc. 3787] (“May 22 Order”). HMIT’s prior objections to an evidentiary hearing were asserted by HMIT during the April 24, 2023, Status Conference, and were further set forth in HMIT’S Reply Brief in Support of its Motion for Leave [Doc. 3785], during the May 26, 2023, hearing regarding Hunter Mountain Investment Trust’s Emergency Motion for Expedited Discovery or, Alternatively, for Continuance of the June 8, 2023 Hearing [Doc 3788], and during the June 8 Hearing, all of which objections are incorporated herein for all purposes (“HMIT’s Evidentiary Hearing Objections”).

to Exclude Testimony (Doc. 3828), the Reply Brief (Doc. 3841), and the related joinders including, without limitation, the *Daubert* challenges advanced as to HMIT's experts.

3. Both Scott Van Meter and Steve Pully are qualified to testify to the matters identified in HMIT's Witness List dated June 5, 2023. (Doc. 3818). HMIT is entitled to present both Mr. Pully and Mr. Van Meter for an oral hearing to establish their qualifications under Rule 702 of the Federal Rules of Evidence, as well as the relevance and reliability of their opinions and methodologies under Rule 703. Although HMIT was under no obligation to provide expert reports or other expert disclosures when it served its Witness List on June 5, 2023, HMIT's experts are now being challenged. Therefore, HMIT requests an evidentiary hearing to present its expert witnesses as to their qualifications and the reliability of their opinions. Alternatively, HMIT requests a schedule to provide expert witness proffers concerning their qualifications, opinions, the bases of their opinions, and the relevance and reliability of their opinions and methods.

Dated: June 13, 2023.

Respectfully Submitted,

**PARSONS MCENTIRE MCCLEARY  
PLLC**

By: /s/ Sawnie A. McEntire  
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**CERTIFICATE OF SERVICE**

I certify that on the 13th day of June 2023, a true and correct copy of the foregoing motion was served on all counsel of record or, as appropriate, on the Respondents directly.

/s/ Sawnie A. McEntire  
Sawnie A. McEntire